

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
WESTERN DIVISION**

STATE OF NORTH DAKOTA,	)	
STATE OF IDAHO, and	)	
STATE OF MONTANA,	)	
	)	
Plaintiffs,	)	Civil No. 1:24-cv-124-DMT-CRH
	)	
v.	)	
	)	
THE UNITED STATES DEPARTMENT OF	)	
INTERIOR;	)	
DEBRA ANN HAALAND, in her official	)	
capacity as Secretary of Interior;	)	
THE BUREAU OF LAND MANAGEMENT;	)	
and	)	
TRACY STONE MANNING, in her official	)	
capacity as the Director of the Bureau of Land	)	
Management,	)	
	)	
Defendants.	)	

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**JOINT MOTION FOR ENTRY OF PROPOSED SCHEDULING PLAN AND TO  
VACATE OCTOBER 3, 2024 SCHEDULING CONFERENCE**

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On June 21, 2024, the States of North Dakota, Idaho, and Montana challenged the Bureau of Land Management’s final rule entitled “Conservation and Landscape Health” (89 Fed. Reg. 40,308 (May 9, 2024)). ECF No. 1. On September 6, 2024, Federal Defendants filed an Answer to Plaintiffs’ Complaint. ECF No. 11. On September 19, 2024, various parties moved to intervene in support of Federal Defendants, and those motions are currently pending. ECF Nos. 27, 31.

On September 9, 2024, the Court issued an Order setting a Scheduling Conference for October 3, 2024 and directing the parties to confer and submit a joint proposed

scheduling/discovery plan to the Court no later than October 1, 2024. ECF No. 12. Counsel for Plaintiffs and Federal Defendants (the Parties) have conferred and agree as follows:

1. No discovery, pre-trial, or trial-related procedures are warranted in this case.

No Fed. R. Civ. P. 16 conference is required because this case seeks judicial review of an administrative agency decision. D.N.D. Civ. L.R. 16.1(7). The Parties agree that under the Administrative Procedure Act this case can be resolved on cross-motions for summary judgment, based on the administrative record to be lodged by Federal Defendants. The Parties further agree that this case is not suitable for an alternative dispute resolution program such as arbitration, mediation, or judicial settlement conference at this time.

2. Jurisdiction of the Magistrate Judge for dispositive motions.

Pursuant to D.N.D. Civ. L.R. 72.1(A)(2), the Parties do not all consent to the jurisdiction of the Magistrate Judge for resolution of dispositive motions.

3. Proposed schedule for summary judgment briefing.<sup>1</sup>

The Parties propose the following schedule and page limits for lodging the administrative record and briefing cross-motions for summary judgment on the merits (with the proposed page limits excluding the case caption and signature blocks, as well as any tables of contents, tables of authorities, tables of exhibits, glossaries, and certificates of service):

Deadline	Date	Page Limits
Federal Defendants to file the Administrative Record	Mon., Oct. 21, 2024	
Plaintiffs to notify Federal Defendants of any record objections	Thu., Nov. 21, 2024	

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<sup>1</sup> If the proposed intervenors are granted intervention by the Court, the Parties may submit an amended proposed briefing schedule accounting for the additional parties.

Plaintiffs' motion to complete the administrative record (if any)	Thu., Dec. 05, 2024	
Federal Defendants' response to motion to complete the administrative record (if any)	Thu., Dec. 19, 2024	
Plaintiffs' reply to motion to complete the administrative record (if any)	Mon. Jan. 06, 2025	
Plaintiffs' summary judgment motion	Wed., Jan. 15, 2025	45 pages
Federal Defendants' cross motion for summary judgment and response to Plaintiffs' motion	Wed., Mar. 5, 2025	45 pages
Plaintiffs' response to Federal Defendants' motion and reply in support of their motion	Wed., Mar. 26, 2025	20 pages
Federal Defendants' reply in support of their motion	Wed., Apr. 16, 2025	20 pages
Oral Argument	To be scheduled by the Court after completion of briefing	

Additionally, because this case involves judicial review of agency rulemaking based on the administrative record, the Parties request that the Court order that they be relieved of the requirement in D.N.D. Civ. L. R. 7.1(A)(2) to include “a recitation of the material facts that the moving party claims are uncontested” and the requirement in D.N.D. Civ. L. R. 7.1(A)(3) to “state the facts upon which the party opposing summary judgment relies and . . . clearly identify those facts that the opposing party claims are contested and that require a trial.”

4. Request to vacate the October 3, 2024 scheduling conference.

If the Court enters the proposed summary judgment schedule, Plaintiffs and Federal Defendants agree that a Scheduling Conference may be unnecessary and therefore jointly request

that the Court vacate its order directing a Rule 26(f) meeting, setting a Rule 16(b) scheduling conference for October 3, 2024, and ordering the parties to submit a joint proposed scheduling/discovery plan by October 1, 2024. *See* ECF No. 12.

Dated: September 27, 2024

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**CERTIFICATE OF SERVICE**

I certify that on this 27th day of September 2024, I electronically filed the foregoing with the Clerk of the U.S. District Court for the District of North Dakota and served all parties using the CM/ECF system.

*/s/ Paul M. Seby*